

V-235 [Amended]

By removing the words "From Mormon Mesa, NV, via INT Mormon Mesa," and substituting the words "From Peach Springs, AZ, Mormon Mesa, NV, via INT Mormon Mesa"

Issued in Washington, DC, on May 22, 1989.

Original signed by William C. Davis,
Acting Manager, Airspace—Rules and
Aeronautical Information Division.

[FR Doc. 89-13049 Filed 6-1-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-AWP-6]

Alteration of VOR Federal Airway;
California

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The San Jose, CA, very high frequency omni-directional radio range (VOR) has been relocated approximately 2 miles west of its current location to coordinates lat. 37°22'29" N., long. 121°56'36" W. Federal Airway V-334 is the only airway affected by the relocation and this action amends the description of that airway concurrent with the relocation of San Jose VOR.

EFFECTIVE DATE: 0901 u.t.c., July 27, 1989.

FOR FURTHER INFORMATION CONTACT:
Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to Part 71 of the Federal Aviation Regulations amends the description of VOR Federal Airway V-334 due to the relocation of the San Jose, CA, VOR. The airway is being realigned concurrent with the relocation of that navigational aid. This redescription does not involve a significant change in controlled airspace and is a minor technical amendment in which the public would not be particularly interested in commenting. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are

necessary to keep them operationally current. It, therefore — (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airway.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL
AIRWAYS, AREA LOW ROUTES,
CONTROLLED AIRSPACE, AND
REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-334 [Revised]

From San Jose, CA; INT San Jose 025° and Sacramento, CA, 194° radials; Sacramento.

Issued in Washington, DC, on May 22, 1989.

William C. Davis,

Acting Manager, Airspace-Rules and
Aeronautical Information Division.

[FR Doc. 89-13048 Filed 6-1-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-ASO-22]

Amendment to Transition Area,
Vidalia, GA

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule; request for
comments.

SUMMARY: This amendment is editorial in nature and does not alter dimensions of the existing Vidalia, Georgia, transition area. The current description contains reference to the Onion RBN. With installation of an ILS Localizer, the

RBN now functions as an outer compass locator/LOM and the name of the RBN is now "ONYUN." This amendment changes the reference from Onion RBN to ONYUN LOM.

DATES: Effective date: 0901 u.t.c., July 27, 1989. Comments must be received on or before June 20, 1989.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, ASO-530, Manager, Airspace and Procedures Branch, Docket No. 89-ASO-22, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT:
James G. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves an editorial change in the Vidalia, Georgia, transition area which involves changing the reference from Onion RBN to ONYUN LOM, and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to amend the description of the Vidalia, Georgia, transition area. The reference to the Onion RBN is in error and is being corrected to the ONYUN outer compass locator/LOM. The airspace dimensions of the transition area remain unchanged. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in

FAA Handbook 7400.6E dated January 3, 1989.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to correct the description of the Vidalia, Georgia, transition area. This change is editorial in nature and does not alter the dimensions of the existing transition area. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary and contrary to the public interest.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Public Law 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 71.181 is amended as follows:

Vidalia, Georgia [Amended]

By substituting the words "ONYUN LOM" in lieu of the term "Onion RBN" where it appears in the existing description.

Issued in East Point, Georgia, on May 17, 1989.

William D. Wood,

Acting Manager, Air Traffic Division,
Southern Region.

[FR Doc. 89-13047 Filed 6-1-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 85F-0346]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Aspartame

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of aspartame in frozen, ready-to-thaw-and-eat cheesecakes, fruit, and fruit toppings. This action is in response to a petition filed by Foodways National, Inc.

DATES: Effective June 2, 1989; written objections and requests for a hearing by July 3, 1989.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Carl L. Giannetta, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of August 23, 1985 (50 FR 34197), FDA announced that a food additive petition (FAP 5A3874) had been filed by Foodways National, Inc., P.O. Box 44, Boise, ID 83707, proposing that § 172.804 Aspartame (21 CFR 172.804) be amended to provide for the safe use of aspartame as a sweetener in frozen cheesecakes, fruit, and fruit toppings.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the regulations should be amended in § 172.804(c) as set forth below. The agency emphasizes that the introductory paragraph of § 172.804 provides that aspartame may only be used for those purposes "for which standards of identity established under section 401 of the [Federal Food, Drug, and Cosmetic] Act do not preclude such use."

The filing notice describes the products covered in the petition as frozen cheesecakes, fruit, and fruit toppings. However, the petition further described these products as "ready to thaw and eat." The agency has included this language in the regulation to clarify

that the products covered by the regulation are not heat treated (cooked) subsequent to thawing.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

Any person who will be adversely affected by this regulation may at any time on or before July 3, 1989, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 172 is amended as follows:

**PART 172—FOOD ADDITIVES
PERMITTED FOR DIRECT ADDITION
TO FOOD FOR HUMAN CONSUMPTION**

1. The authority citation for 21 CFR Part 172 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 172.804 is amended by adding new paragraph (c)(19) to read as follows:

§ 172.804 Aspartame.

(c) * * *

(19) Frozen, ready-to-thaw-and-eat cheesecakes, fruit, and fruit toppings.

* * *

Dated: May 26, 1989.

John M. Taylor,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-13119 Filed 6-1-89; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 172

[Docket No. 87F-0240]

**Food Additives Permitted for Direct
Addition to Food for Human
Consumption; Aspartame**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of aspartame as a sweetener in frozen dairy and nondairy frostings, toppings, and fillings. This action is in response to a petition filed by the Foodways National, Inc., and the NutraSweet Co.

DATES: Effective June 2, 1989; written objections and requests for a hearing by July 3, 1989.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Carl L. Giannetta, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of August 21, 1987 (52 FR 31667), FDA announced that a food additive petition (FAP 7A4014) had been filed by the Foodways National, Inc., P.O. Box 10, Ontario, OR 97914; and the NutraSweet Co., 4711 Golf Rd., Skokie, IL 60076, proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the safe use of aspartame as a sweetener in frozen dairy and nondairy frostings, toppings, and fillings.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the regulations should be amended as set forth below. The agency emphasizes that the introductory paragraph of § 172.804 provides that aspartame may only be used for those purposes "for which standards of identity established under section 401 of the [Federal Food, Drug, and Cosmetic] Act do not preclude such use." Thus, for example, aspartame may not be used in sweet cocoa and vegetable fat (other than cacao fat) coating that complies with 21 CFR 163.150.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before July 3, 1989 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be

separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 172 is amended as follows:

**PART 172—FOOD ADDITIVES
PERMITTED FOR DIRECT ADDITION
TO FOOD FOR HUMAN CONSUMPTION**

1. The authority citation for 21 CFR Part 172 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended. (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 172.804 is amended by adding new paragraph (c)(20) to read as follows:

§ 172.804 Aspartame.

(c) * * *

(20) Frozen dairy and nondairy frostings, toppings, and fillings.

* * *

Dated: May 26, 1989.

John M. Taylor,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-13120 Filed 6-1-89; 8:45 am]

BILLING CODE 4160-01-M